

U.S. Department of Homeland Security

Notice to Appear**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID : [REDACTED] FIN #: [REDACTED] File No: [REDACTED] 889
 SIGMA Event: [REDACTED] DOB: [REDACTED] 1976 Event No: [REDACTED]

In the Matter of:

Ibeth Magdalena NAVAR GARCIA

Respondent: _____ currently residing at:

27991 BUENA VISTA BLVD , LOS FRESNOS TEXAS 785664261

(956) 547-1700

(Number, street, city and ZIP code)

(Area code and phone number)

- ☒ 1. You are an arriving alien.
☐ 2. You are an alien present in the United States who has not been admitted or paroled.
☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.
2. You are a native of Mexico and a citizen of Mexico.
3. On March 15, 2018, you applied for admission to the United States at the Brownsville, Texas Port of Entry.
4. At that time, you falsely represented yourself to be a United States citizen to gain entry to the United States when in fact you are a native and citizen of Mexico.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
 Port Isabel Processing Center 27991 Buena Vista Blvd Los Fresnos TEXAS 78566

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the
 (Date) (Time)

charge(s) set forth above.

DANIEL SILVA CBPO

(Signature and Title of Issuing Officer)

Date: **March 16, 2018****BROWNSVILLE, TX**

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

**GOVERNMENT
EXHIBIT**

5

DEPARTMENT OF JUSTICE
 IMMIGRATION COURT
 RECEIVED
 2018 JUL 23 PM 1:00
 2000 W. JEFFERSON STE 300
 HOUSTON, TEXAS 77056

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 16, 2018, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- ☒ in person ☐ by certified mail, returned receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.


(Signature of Respondent if Personally Served)

DANIEL SILVA
CBPO


(Signature and Title of officer)

U.S. Department of Homeland Security

Continuation Page for Form **I862**

Alien's Name Ibeth Magdalena NAVAR GARCIA	File Number # 889 SIGMA Event: [REDACTED] Event No: [REDACTED]	Date March 16, 2018
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

Section 212(a) (6) (C) (ii) of the Immigration and Nationality Act (Act), as amended, as an alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for a purpose or benefit under the Act (including section 274A) or any other Federal or State law.

212(a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature  DANIEL SILVA	Title CBPO
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U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

NEW COURT LOCATION

Date: May 17, 2018

To: Ibeth Magdalena NAVAR-Garcia
Respondent

File No: A [REDACTED] 889

From: Immigration and Customs Enforcement
1717 Zoy Street
Harlingen, Texas 78550

This notice is to advise you that the Notice to Appear, Form I-862, issued to you on March 16, 2018 at Brownsville, Texas has been filed with the Office of the Immigration Judge in Harlingen, Texas. The mailing address for the Office of the Immigration Judge is: 2009 West Jefferson Avenue, Suite 300 Harlingen, Texas 78550. You should direct all correspondence concerning your case to this address. You are reminded that you are required to provide written notice within five (5) days of any change in address or telephone number to the Office of the Immigration Judge listed in this notice.

PROOF OF SERVICE

On May 17, 2018, the undersigned mailed a copy of this Form I-831 to the above-named alien at the address provided on Form I-830 by placing said copy in an envelope and placing said envelope in the office's receptacle designated for official "out-going" regular mail, said envelope having been addressed to Ibeth Magdalena NAVAR-Garcia, [REDACTED] Brownsville, Texas [REDACTED]

Jesus Castro, Deportation Officer

Title/Name

May 17, 2018

Date


Signature

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS

Date:	<u>April 2, 2018</u>
To: Enter Name of BIA or Immigration Court I-830	<u>EOIR - 27991 Buena Vista Blvd. Los Fresnos, Tx. 78566</u>
Enter BIA or Immigration Court Three Letter Code @ usdoj.gov	<u>NA</u>
From: Enter Name of ICE Office	<u>Immigration and Customs Enforcement</u>
Enter Street Address of ICE Office	<u>27991 Buena Vista Blvd,</u>
Enter City, State and Zip Code of ICE Office	<u>Los Fresnos, Texas 78566</u>
Respondent: Enter Respondent's Name	<u>NAVAR GARCIA, IBETH MAGDALENA</u>
Alien File No: Enter Respondent's Alien Number	<u>A [REDACTED] 889</u>

This is to notify you that this respondent is:

☐ Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

Enter Name of Institution where Respondent is being detained

Enter Street Address of Institution where Respondent is being detained

Enter City, State and Zip Code of Institution where Respondent is being detained

Enter Respondent's Inmate Number

His/her anticipated release date is Enter Respondent's Anticipated Release Date.

☐ Detained by ICE on Enter Date Respondent was Detained by ICE at:

Enter Name of ICE Detention Facility where Respondent is being detained

Enter Street Address of ICE Detention Facility where Respondent is being detained

Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained

Phone:

☐ Detained by ICE and transferred on Enter Date Respondent was transferred to:

Enter Name of ICE Detention Facility where Respondent has been transferred

Enter Street Address of ICE Detention Facility where Respondent has been transferred

Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained

Phone:

☒ Released from ICE custody on the following condition(s):

☐ Order of Supervision (I-220B) or ☐ Own Recognizance (Form I-220A)

☐ Bond in the amount of Enter Dollar Amount of Respondent's Bond - \$

☐ Removed, Deported, Excluded

01 Other - Parole

2018 JUL 23 PM 1:35
RECEIVED
IMMIGRATION COURT
HARLINGEN, TEXAS 78550

Upon release from ICE custody, the respondent reported his/her address and telephone number will be:

Enter Respondent's Street Address

Enter Respondent's City, State and Zip Code

code) Enter Respondent's Telephone Number(including area

956

☒ I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

[Signature]

[Signature]

Ramon Rodriguez, DO